

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
DAVID MICHAEL JERNIGAN,  
  
Defendant.

**THIS MATTER** is before the Court on Defendant/Petitioner David Michael Jernigan's Motion to Return Property (Doc. No. 74) and the Government's Response to same (Doc. No. 75). Petitioner is seeking the return of three Ingram M-10 machineguns, which the Government "mistakenly destroyed." (Doc. No. 75, at 2). Accordingly, the Government has made an offer to remit to Petitioner a Fair Market Value of \$6495.00 per firearm in question, for a total payment of \$19,485.00. This amount is to offset Petitioner's outstanding criminal monetary penalty of \$40,893.88 in this case. Upon review of the parties' submissions, the court finds that no hearing is necessary in this matter.

The Court hereby **ORDERS** the Government to submit a proposed order in accordance with the terms and representations set forth in its Response to Defendant's Motion to Return Property.

The Court further **ORDERS** Defendant/Petitioner Jernigan to REPLY, within thirty (30) days of the date of this Order, to the Government's Response to his Motion indicating whether he agrees or disagrees with the Government's proposed valuation of the firearms in question. If

Defendant/Petitioner disagrees with the Government's valuation, he must include any and all evidence supporting his counter-valuation of the firearms with his REPLY.

**IT IS SO ORDERED.**

Signed: January 27, 2016

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

